

FILED

NOV 12 2015

U.S. COURT OF
FEDERAL CLAIMS

Defendant.

Pro Se; Sua Sponte Dismissal; Lack of Subject Matter Jurisdiction

² The court is also in receipt of letters from Mr. Richardson concerning the nature of his suit. “Nature of suit” codes are used for statistical purposes and do not affect consideration of the case.

F.3d 689, 692 (Fed. Cir. 2014) (citing Reynolds v. Army & Air Force Exch. Serv., 846 F.2d 746, 748 (Fed. Cir. 1988)). Although pro se plaintiffs are held to less stringent pleading standards, they must still demonstrate that the court has jurisdiction to hear their claim. See Matthews v. United States, 750 F.3d 1320, 1322 (Fed. Cir. 2014) (citation omitted); Mora v. United States, 118 Fed. Cl. 713, 715 (2014) (citation omitted). Under Rule 12(h)(3) of the Rules of the Court of Federal Claims, the court must dismiss an action “[i]f the court determines at any time that it lacks subject-matter jurisdiction.”

The court finds that it lacks jurisdiction over Mr. Richardson’s complaint for three reasons. First, this court “lacks jurisdiction to consider claims which amount to collateral attacks on criminal convictions.” Judd v. United States, No. 15-586C, 2015 WL 6684540, at *1 (Fed. Cl. Oct. 30, 2015) (quoting Beadles v. United States, 115 Fed. Cl. 242, 245 (2014)). This court also “has no jurisdiction to review the merits of a decision rendered by a federal district court.” Shinnecock Indian Nation v. United States, 782 F.3d 1345, 1352 (Fed. Cir. 2015) (citations omitted). Mr. Richardson’s claims would require this court to review the actions of the district court and consider the validity of his criminal conviction.

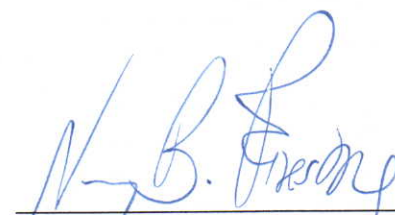
Second, it is well-settled that this court lacks jurisdiction over civil rights actions, including Mr. Richardson’s claims arising under 42 U.S.C. §§ 1985 and 1986. See Colbert v. United States, No. 2014-5029, 2015 WL 2343578, at *1 n.1 (Fed. Cir. May 18, 2015); see also Ilaw v. United States, 121 Fed. Cl. 408, 426 (2015).

Finally, the Tucker Act grants this court jurisdiction over claims against the government that are founded on the Constitution, laws, treaties, or contracts of the United States. 28 U.S.C. § 1491(a)(1). However, the Tucker Act does not create substantive rights; it only waives sovereign immunity for claims premised on other sources of law, such as statutes or contracts, that “can fairly be interpreted as mandating compensation by the Federal Government for the damages sustained.” Jan’s Helicopter Serv., Inc. v. FAA, 525 F.3d 1299, 1306 (Fed. Cir. 2008) (quoting United States v. Mitchell, 463 U.S. 206, 216-17 (1983)). The APA is not a money-mandating statute, see, e.g., Wopsock v. Natchees, 454 F.3d 1327, 1333 (Fed. Cir. 2006) (citing 5 U.S.C. § 702), and does not authorize review of federal court decisions. See 5 U.S.C. § 701(b)(1)(B) (excluding federal courts from the APA’s definition of “agency”); Ealy v. United States, 120 Fed. Cl. 801, 805 (2015). In sum, the APA cannot provide a basis for this court to hear Mr. Richardson’s claims.

Therefore, because this court lacks jurisdiction, Mr. Richardson’s complaint is **DISMISSED**.³ The Clerk is directed to enter judgment accordingly.

³ Along with the complaint, Mr. Richardson filed a motion to proceed in forma pauperis. Mr. Richardson’s motion to proceed in forma pauperis is **GRANTED** for the limited purpose of filing the complaint. However, Mr. Richardson may still be required to pay the full amount of

IT IS SO ORDERED.


NANCY B. FIRESTONE
Judge

the filing fee under 28 U.S.C. § 1915(b). In addition, the court finds that Mr. Richardson's complaint was frivolous, making this a "strike" under 28 U.S.C. § 1915(g).